

FP09-14 Executive Summary	
General Description	Proposal FP09-14 requests that Federal public waters in the Unalakleet River be closed to Chinook salmon fishing except by Federally qualified subsistence users. <i>Submitted by Kathy Johnson, Native Village of Unalakleet.</i>
Proposed Regulation	<p>Norton Sound — Port Clarence Area</p> <p>§ __.27(i)(2)(ii) <i>In the Norton Sound District, you may take fish at any time except as follows</i></p> <p><i>(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;</i></p> <p><i>(1) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River are closed to the taking of Chinook salmon from June 15 to July 5, except by Federally qualified subsistence users.</i></p>
Seward Peninsula Regional Council Recommendation	<p>Support Proposal FP09-14 with modification.</p> <p>The modified regulation should read:</p> <p>Norton Sound — Port Clarence Area</p> <p>§ __.27(i)(2)(ii) <i>In the Norton Sound District, you may take fish at any time except as follows</i></p> <p><i>(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;</i></p> <p><i>(1) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River, are closed to the taking of Chinook salmon from July 1 to July 31, by all users. This closure may be relaxed by the inseason manager if run strength warrants.</i></p>
Interagency Staff Committee Comments	See comments following the analysis.
ADF&G Comments	Oppose
Written Public Comments	None

REGIONAL ADVISORY COUNCIL RECOMMENDATION FP09-14

SEWARD PENINSULA REGIONAL ADVISORY COUNCIL

Support Proposal FP09-14 **with modification** to close the Federal public waters of the Unalakleet River upstream from the mouth of the Chirosky River to the taking of Chinook salmon from July 1–July 31 to all users. The recommended July closure can be amended by the inseason manager if the run strength warrants it.

The modified regulation should read:

Norton Sound — Port Clarence Area

*§ __.27(i)(2)(ii) In the Norton Sound District, you may take fish at any time except as follows
(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;*

(1) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River, are closed to the taking of Chinook salmon from July 1 to July 31, by all users. This closure may be relaxed by the inseason manager if run strength warrants.

Unalakleet people understand this issue and the status of the resource. We need to reduce restrictions on subsistence users and make management of the fishery easier to understand. Local users are not able to get the fish they need for subsistence. Focus must be on conservation of the resource to bring the fishery back; there is potential for the fishery in this area to expand. We all need to do our best to bring this fishery back. This modification was supported by the Native Village of Unalakleet.

STAFF ANALYSIS FP09-14

ISSUES

Proposal FP09-14, submitted by Kathy Johnson, Native Village of Unalakleet, requests that Federal public waters in the Unalakleet River be closed to Chinook salmon fishing except by Federally qualified subsistence users.

DISCUSSION

The proponent states that Chinook salmon in the Unalakleet River were identified by the State of Alaska as a stock of concern in 2000. The proponent submitted this proposal as a conservation measure to provide Chinook salmon additional protection from harvest while traveling to their spawning grounds. The proponent states that closure of Federal public waters would increase Chinook salmon returns in the future by allowing more Chinook salmon to spawn. In a recent phone conversation, the proponent expressed interest in supporting a modification of the proposal (Ivanoff 2008, pers. comm.). Upon further analysis of the North River Tower data, the proponent felt extending the closure to include Federally qualified subsistence users would be more effective in conserving Chinook salmon. In addition, the proponent suggested extending the closure through July 31 to ensure the majority of Chinook salmon reach the spawning grounds.

Existing Federal Regulation

Norton Sound — Port Clarence Area

§ ____ .27(i)(2)(ii) In the Norton Sound District, you may take fish at any time except as follows:

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday.

Proposed Federal Regulation

Norton Sound — Port Clarence Area

§ ____ .27(i)(2)(ii) In the Norton Sound District, you may take fish at any time except as follows

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

(1) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River, are closed to the taking of Chinook salmon from June 15 to July 5, except by Federally qualified subsistence users.

Existing State Regulation

5 AAC 70.011(c) Season and bag, possession, and size limits for the Northwestern Management Area

(9) in the Unalakleet River drainage,

(A) the bag and possession limit for king salmon is two fish, of which only one fish may be 20 inches or greater in length;

(B) the annual limit for king salmon 20 inches or greater in length is two fish; an angler fishing for king salmon must possess and complete a current year's nontransferable harvest record as described in 5 AAC 70.024(b);

(C) the bag and possession limit for salmon, other than king salmon, is 10 fish, of which only four fish, in combination, may be coho, chum, and sockeye salmon;

(D) a salmon removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a salmon from the water before releasing it;

Extent of Federal Public Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 50 CFR 100.3. Federal public waters for the Unalakleet River drainage include the upper 81 river miles of the Unalakleet River (106 river miles in total length) (**Map 1**). This portion of the river is designated a National Wild River and is administered by the Bureau of Land Management.

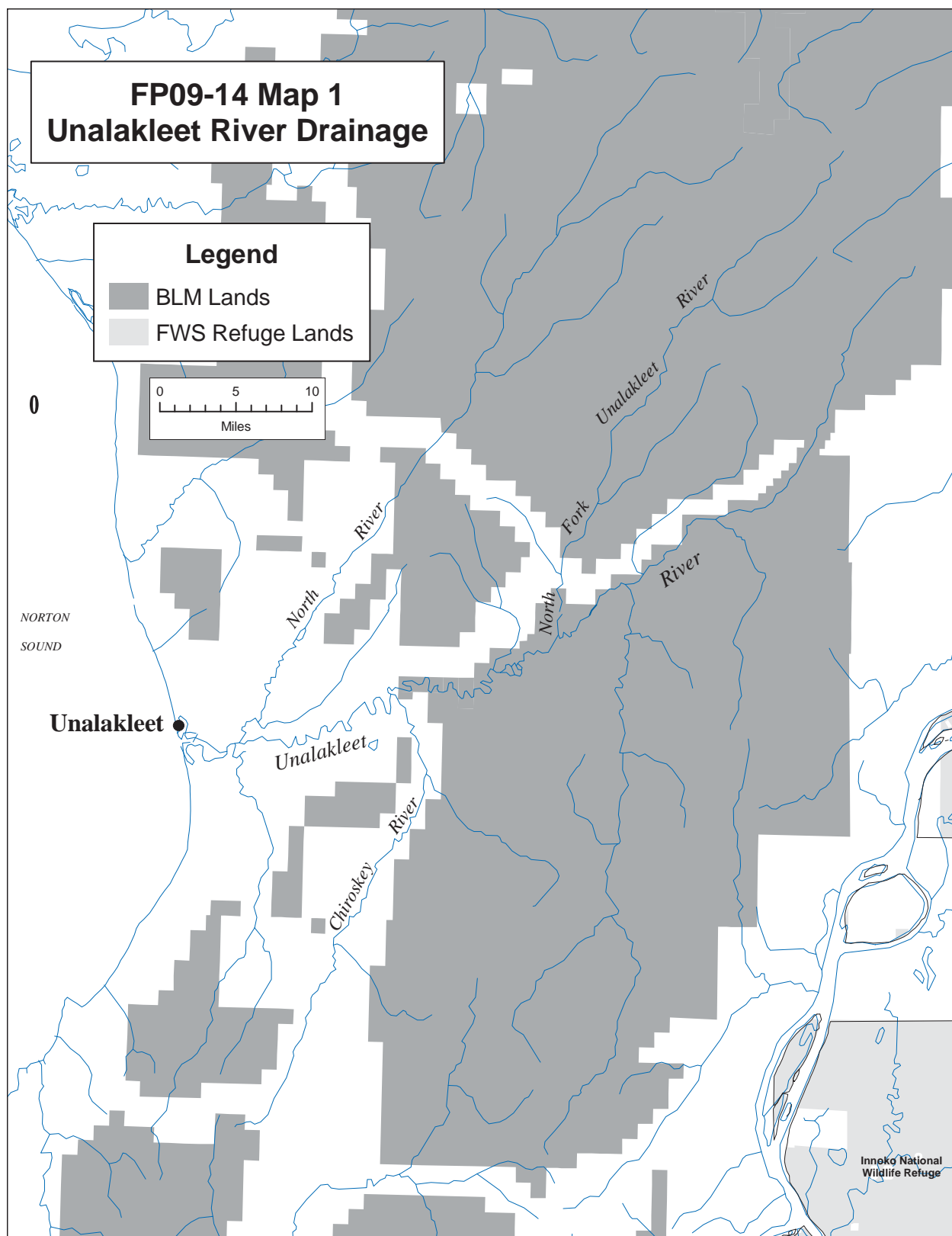
Customary and Traditional Use Determinations

All residents of Norton Sound-Port Clarence Area have a positive customary and traditional use determination for salmon in the Unalakleet River.

Regulatory History

The Unalakleet and Shaktoolik Subdistricts are managed as one fishery by the Alaska Department of Fish and Game (ADF&G) because past studies have shown that salmon bound for these subdistricts intermingle (Menard 2007a). Chinook salmon populations returning to this area are of special biological concern. Beginning in 2004, the Alaska Board of Fisheries identified Chinook salmon in the Unalakleet and Shaktoolik subdistricts as stocks of yield concern. In February 2007, the Alaska Board of Fisheries reconfirmed the identification of Unalakleet and Shaktoolik Chinook salmon as stocks of yield concern (Menard 2007a). A "yield concern" is "*a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stocks escapement needs;...*" (5 AAC 39.222). The Alaska Board of Fisheries took further action at its February 2007 meeting to increase escapement by adopting a more conservative Chinook salmon management plan (5AAC 04.395). Under the new management plan, a subsistence fishing schedule was placed into regulation, as well as reductions in the sport fishing daily bag and annual possession limits. Additionally, commercial fishing directed at Chinook salmon can only occur if ADF&G projects the midpoint of the North River tower sustainable escapement goal (SEG¹) range will be achieved. The plan directs ADF&G to provide escapement windows by restricting subsistence gillnet fishing for salmon from mid-June to mid-July to two 48-hour fishing periods a week in marine waters, and two 36-hour fishing periods a week

¹ADF&G establishes sustainable escapement goals based on historical performance and other factors known to conserve stocks over a 5- to 10-year period. They are used in situations where a biological escapement goal cannot be estimated due to the absence of a stock-specific catch estimate.



in the Unalakleet River. Subsistence fishing time can only be increased if ADF&G projects the lower end of the SEG (1,200) will be achieved.

Diminishing Chinook salmon returns have resulted in restrictions of the State's commercial, subsistence and sport fisheries by Emergency Order authority. A Chinook directed commercial fishery has not occurred since 2005 (Menard 2008). In an effort to protect weak Chinook salmon returns ADF&G closed both the marine waters of the Unalakleet and Shaktoolik subdistricts and the waters of the Unalakleet River to subsistence salmon fishing in July 2006, July 2007 and July 2008 (Menard and Kent 2006; Menard 2007b; Menard and Kent 2008). These closures were followed by restrictions in the sport fishery (Taube 2006; Scanlon 2007 and 2008a). In 2006 through 2008 ADF&G prohibited the retention of sport-caught Chinook salmon in all waters of the Unalakleet and Shaktoolik River drainages and prohibited the use of bait while sport fishing in both rivers. In addition, Federal public waters of the Unalakleet River were closed to the taking of Chinook salmon through Special Action authority in 2006 through 2008. Beach seines were implemented as the only legal means of harvesting salmon, allowing captured Chinook salmon to be released (Helfrich 2006, 2007 and 2008)

Biological Background and Harvest History

The Unalakleet River and its tributaries support a Chinook salmon run that sustains the largest subsistence, commercial and sport harvests in Norton Sound. Assessment of Chinook salmon escapement has been successfully conducted 1984–1986 and 1996 to the present using a counting tower on the North River, a tributary of the Unalakleet River. Radio telemetry work conducted by ADF&G showed that approximately 40% of Chinook salmon entering the drainage migrated up the North River and the remaining 60% migrated up the Unalakleet River (**Figure 1**) (Wuttig 1998 and 1999).

Chinook salmon returns to the drainage have been poor since 2000. The North River tower SEG range for the North River is 1,220 to 2,600 Chinook salmon (Soong et al. 2008). Prior to 2007 the lower end of the North River tower SEG had not been achieved since 2003. In 2008, the North River tower escapement was estimated at 903, once again falling short of the SEG (Kent 2008, pers. comm.). Low returns have resulted in closures of directed commercial fishing on Chinook salmon since 2005. The most recent 5-year average (2003–2007) commercial harvest was 25 Chinook salmon taken during the chum salmon fishery (**Table 1**). Chinook salmon escapements into the North and Unalakleet Rivers have not increased in response to commercial fishing closures and the increasingly restrictive subsistence fishing. Subsistence harvest estimates are collected by post-season surveys and for the Unalakleet Subdistrict are reported as total fish harvested. The majority of the Chinook salmon subsistence harvest under State jurisdiction occurs in marine waters at the mouth of the Unalakleet River (**Figure 2**). Chinook salmon subsistence harvests have decreased over time. The most recent 5-year average (2003–2007) harvest of 2,264 Chinook salmon was much less than the prior 5-year average (1998–2002) harvest of 4,002 Chinook salmon. Even with the declining subsistence harvests, subsistence fishery exploitation rates have increased in recent years due to the decreased size of the Chinook salmon run (**Figure 3**).

The Unalakleet River supports the largest sport fishery in Norton Sound (ADF&G 2008). From 2003 to 2007, an average of 763 anglers per year fished in the Unalakleet River (**Table 2**). These anglers fished an average of 4,124 angler days targeting Chinook salmon, coho salmon, chum salmon, pink salmon, Dolly Varden and Arctic grayling. Coho salmon and Dolly Varden were the most commonly sport-harvested species, and the most recent 5-year (2003–2007) average harvests were 3,687 coho salmon and 1,263 Dolly Varden. Chinook salmon comprise a smaller portion of the overall sport harvest. The most recent 5-year (2003–2007) average harvest was 242 Chinook salmon, which is less than the previous 5-year average (1998–2002) harvest of 403 Chinook salmon. Most Chinook salmon harvested

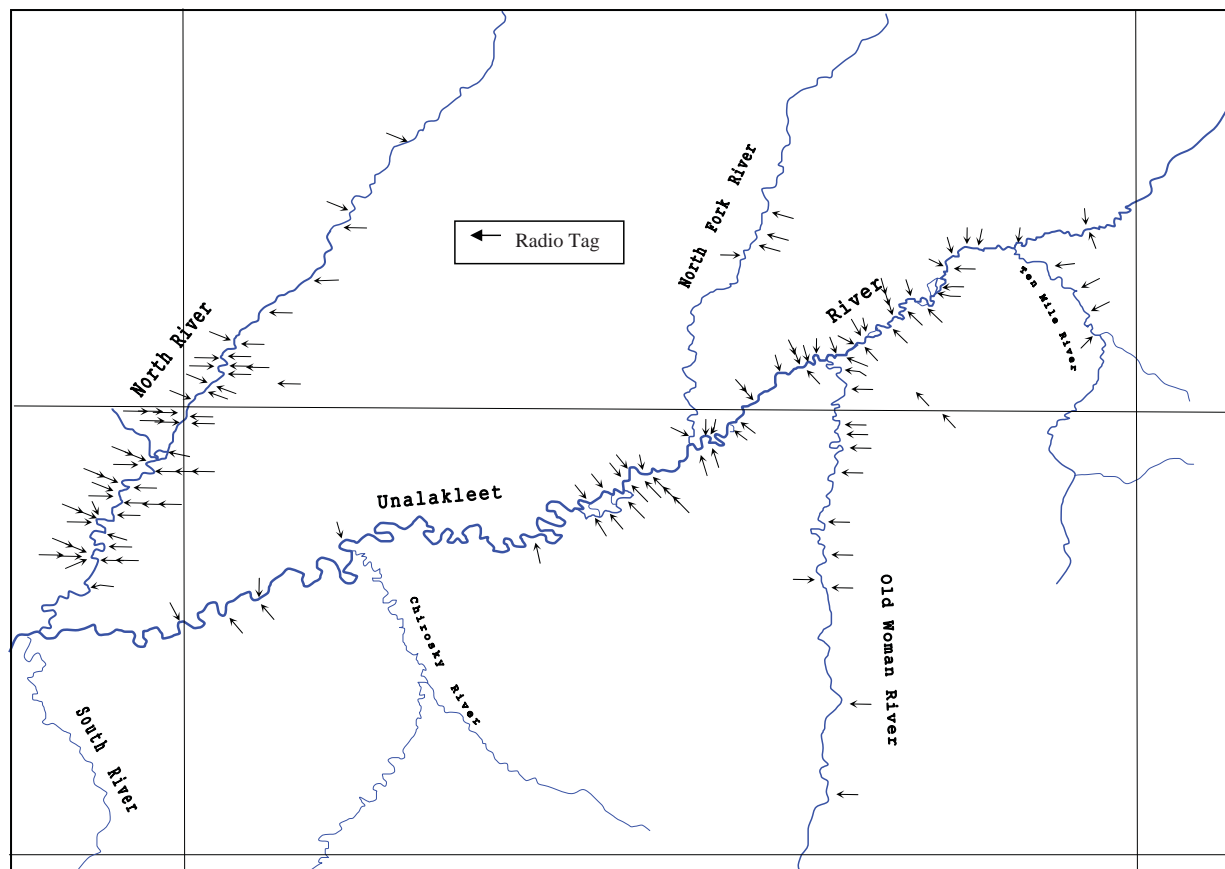


Figure 1. Location of radio-tagged Chinook salmon in the Unalakleet River Drainage, 1998 (modified from Wuttig 1999).

Table 1. Annual harvest and escapement of Chinook salmon for the Unalakleet River, 1998-2007 (Soong et al. 2008; Kent and Bergstrom 2006).

Year	Harvest (number of salmon)			Escapement (number of salmon)	
	Sport	Commercial	Subsistence	North River	Unalakleet River
1998	513	6,413	5,915	2,100	5,440
1999	415	1,927	4,504	2,263	6,860
2000	345	582	2,887	1,046	2,710
2001	250	116	3,662	1,337	4,640
2002	544	4	3,044	1,505	3,899
2003	97	10	2,585	1,452	3,762
2004	356	0	2,801	1,125	2,915
2005	216	101	2,115	1,015	2,630
2006	394	11	2,155	906	2,347
2007	147	5	1,665	1,950	5,047
5-year average:					
1998-2002	413	1,808	4,002	1,650	4,710
2003-2007	242	25	2,264	1,290	3,340

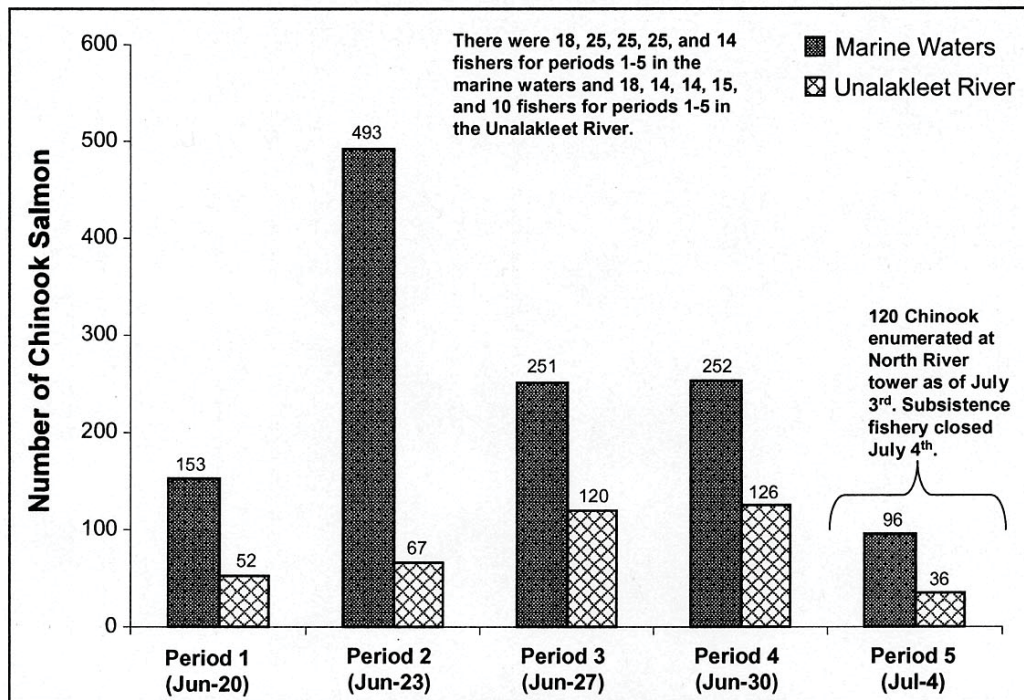
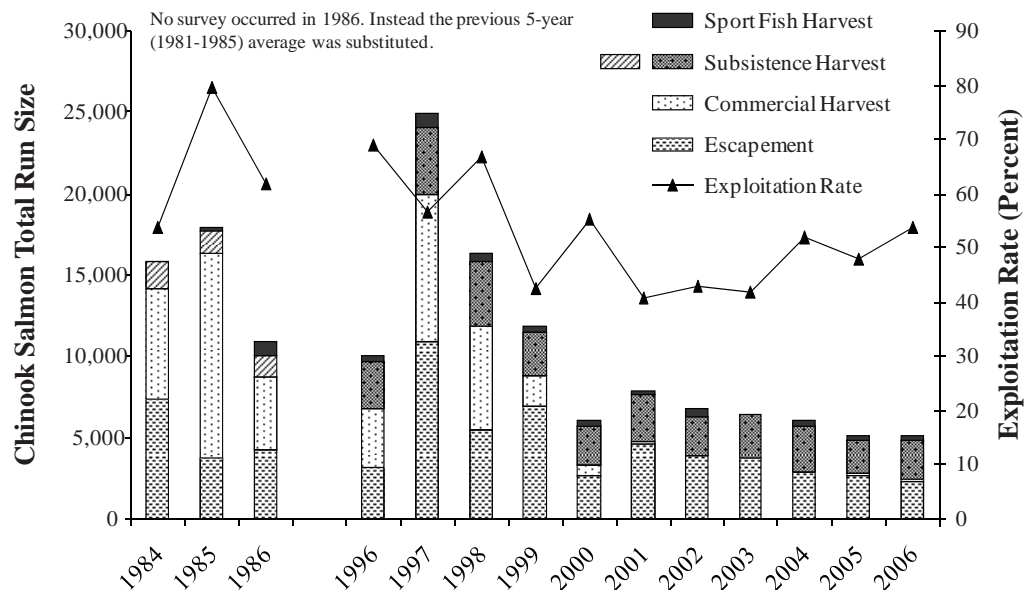


Figure 2. Reported in season Chinook salmon subsistence harvest by period, Native Village of Unalakleet, 2007 (Menard 2007a).



Note: Change in shade pattern from 1996 to 2006 represents when household subsistence survey data were expanded to include those households not surveyed. Total run sizes prior to 1996 were most likely greater.

Figure 3. Estimated total run size (harvest and escapement) and total exploitation rate (summed commercial, subsistence, and sport harvests) for Chinook salmon in the Unalakleet River, 1984-1986 and 1996-2006. Lack of escapement data for years prior to 1984 and for 1987-1995 precludes calculation of total run size and exploitation rates for those years (Kent and Bergstrom 2006).

Table 2. Annual sport fishing effort and harvest by species for the Unalakleet River, 1998-2008 (ADF&G 2008).

Year	Effort		Harvest (number of fish)					
	Number of Anglers	Number of Days Fished	Chinook Salmon	Coho Salmon	Pink Salmon	Chum Salmon	Dolly Varden	Arctic Grayling
1998	679	3,558	478	2,613	434	432	521	119
1999	796	3,606	415	2,030	2,946	211	2,241	256
2000	912	5,741	340	3,914	939	398	4,440	524
2001	803	2,526	239	2,426	188	714	916	212
2002	1,093	8,195	544	2,937	1,378	607	789	773
2003	509	3,056	97	1,604	29	191	134	131
2004	741	4,527	356	3,524	2,003	47	3,593	597
2005	747	4,768	216	3,959	473	36	500	32
2006	818	4,062	394	5,230	891	224	1,358	60
2007	999	4,205	147	4,117	618	85	731	10
5-year average:								
1998-2002	857	4,725	403	2,784	1,177	472	1,781	377
2003-2007	763	4,124	242	3,687	803	117	1,263	166

by sport fishing in the Unalakleet River are probably taken near the mouth of the North River, which is under State jurisdiction (Scanlon 2008b, pers. comm.). The Bureau of Land Management (BLM) regulates commercially guided sport fishing in Federal public waters (upriver from the confluence of Tenmile Creek) through the issuance of Special Recreation Permits, but no permits have ever been issued (Kowalczyk 2008, pers. comm.). Use of the upper river by nonguided sport fishers is hard to determine. Reports are mixed (Kowalczyk 2008 pers. comm.; Ivanoff 2008, pers. comm.) but it is thought that little to no sport caught Chinook salmon are harvested in Federal public water.

During their fall meeting the Seward Peninsula Regional Advisory Council (Council) was presented with the most currently available data. Based on the diminishing Chinook salmon returns; and public input, the Council chose to support this proposal with modification. The modification changed the closure from July 1 through July 31 and included all users. It also allowed the closure to be relaxed by the inseason manager if there are adequate return in a particular year.

Effects of the Proposal

The Federal Subsistence Board (Board) is authorized to close Federal public lands and waters to the nonsubsistence taking of fish and wildlife to ensure conservation of healthy populations and to ensure subsistence uses are given a priority over the taking for other purposes. ANILCA mandates in Section 815: *“Nothing in this title shall be construed asauthorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife,... to continue subsistence uses of such populations...”*. However, closure of the upper Unalakleet River waters under Federal jurisdiction to all users, even if extended to July 31 as recently suggested by the Council, would have little effect on Chinook salmon populations since there is no subsistence fishing in these waters and use by sport fishers is thought to be little to none. The requested action only has meaning if it is done in concert with an action in State jurisdiction. If fishing pressure increases in the future, the National Park Service has inseason Federal management authority to restrict or close fishing using their Special Action authority. Special Actions provide a timely and responsive method for managing the fishery.

Currently, Chinook salmon are harvested almost entirely in the lower Unalakleet River by State subsistence and sport users, so restrictions and closures made by State managers to lower river fisheries have the greatest conservation effect on the Chinook salmon run.

OSM CONCLUSION

Oppose Proposal FP09-14.

Justification

Unalakleet River Chinook salmon runs have been below expectations since 2000. The North River tower SEG was achieved in 2007 mainly due to closures in the State commercial, subsistence and sport fisheries, although corresponding closures were made in the Federal subsistence fishery. Prior to 2007 the lower end of the SEG had not been achieved since 2003. Due to poor run performance, the State has not allowed a commercial fishery for Chinook salmon since 2005. Due to declining Chinook salmon runs, the subsistence harvest of this species has also declined. The most recent 5-year average (2002–2006) harvest of 2,540 Chinook salmon was only about half of the previous 5-year average (1997–2001) harvest of 4,770 Chinook salmon. Due to declining runs, the Alaska Board of Fisheries designated Chinook salmon in the Unalakleet and Shaktoolik subdistricts as stocks of yield concern in 2004 and again in 2007. The Alaska Board of Fisheries also took action to increase escapement by adopting a conservative Chinook salmon management plan (5AAC 04.395).

Subsistence fishing in the Unalakleet River occurs entirely in the lower portion of the river, which is outside of Federal jurisdiction. Although ANILCA authorizes closure of Federal public waters if necessary to continue subsistence uses, a closure of the upper Unalakleet River to Chinook salmon fishing to all users except Federally qualified subsistence users would probably not provide additional subsistence opportunity. Also, since no Chinook salmon harvest by other users in Federal public waters has been documented, such a closure would provide no additional protection to Chinook salmon spawning populations. Closures or restrictions in State managed commercial, subsistence and sport fisheries in the lower Unalakleet River are the most effective way to reduce exploitation and allow more Chinook salmon to spawn.

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INTERAGENCY STAFF COMMITTEE COMMENTS FP09-14

The Interagency Staff Committee (ISC) found the staff analysis for Proposal FP09-14 to be a thorough evaluation of the proposal. However, rather than adopting the OSM conclusion, some ISC members suggest that the Board could adopt the Regional Advisory Council's (Council) recommendation for closure based in the same information. The closure would be consistent with ANILCA 815(3) and 816(b) since there is clearly a conservation concern as evidenced by State and/or Federal fisheries managers restricting or closing subsistence, sport and/or commercial fishing repeatedly year after year.

The in-season manager currently has the authority to close Federal public waters during the season and has been doing so through special action authority delegated by the Board and in coordination with the Alaska Department of Fish and Game. Instituting a closure in Federal regulation would alleviate the in-season manager from having to continue issuing special actions each year and also would inform the public that Federal waters are closed to fishing for Chinook salmon unless run strength improves enough to warrant opening by special action. Sound fishery management principles suggest that when virtually the same in-season action is taken repeatedly year after year, a regulatory action may be warranted.

The Council is sufficiently concerned about the status of the Unalakleet River Chinook salmon that it recommends modifying the proposal to restrict subsistence users as well as non-subsistence users. The Council acknowledged that a decision by the Federal Subsistence Board to close Federal waters to both subsistence and non-subsistence fishing may result in conservation of only a small number of Chinook salmon because of the limited amount of fishing that occurs in these waters. Nonetheless, because of the continuing depressed nature of the run, any Chinook salmon conserved is of importance to restore the run to previous sustainable levels.

The ISC discussed the Council's recommendation to further modify the proposal to allow the (Federal) in-season manager to "relax the closure" if run strength warrants. If the Board were to adopt the Council's recommendation, the ISC suggests that the Board clarify the Council's wording associated with the in-season manager's authority to relax the closure. That new wording could be: "The in-season manager is authorized to open the closed area to Federally-qualified users or to all users when run strength warrants."

New information since the Council meeting is that the local Southern Norton Sound State Fish and Game Advisory Committee supports the Council's recommendation.

ADG&G Comments FP09-14
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

FP09-14 Unalakleet Chinook Salmon Closure

Introduction: This proposal would close all fishing for Chinook salmon in the Unalakleet River within federal public lands from June 15–July 5, except by federally-qualified subsistence users. The area of proposed closure is the waters upstream of the confluence of Chirosky River, located approximately 20 miles east of Unalakleet. This proposal was submitted with the stated intent of protecting spawning phase Chinook salmon that are migrating through the area. However, the majority of Chinook salmon is not likely to reach the spawning grounds by July 5.

Impact on Subsistence Users: If adopted, the proposal would prohibit taking of Chinook salmon for subsistence purposes by Alaska residents and sport fishermen but not by federally-qualified subsistence users. The closure would provide little benefit to federally-qualified subsistence users because few, if any, Chinook salmon are harvested that far upstream in the Unalakleet watershed. Chinook salmon are primarily harvested closer to the village of Unalakleet or in marine waters. Few non-federally qualified users target Chinook salmon in federal public lands where the fish are more watermarked than the brighter fish closer to the Unalakleet River mouth. In addition, travel upriver to fish on federal public lands is increasingly cost-prohibitive due to high fuel costs.

Opportunity Provided by State: Subsistence salmon fishing occurs in freshwaters of the Unalakleet River and surrounding marine waters of the Unalakleet Subdistrict. All Alaska residents can subsistence fish with gillnets in both fresh and marine waters under State of Alaska (State) regulations. Beach seines can only be used by emergency order, and all Chinook salmon must be released by regulation. The State subsistence Chinook salmon fishery in the Unalakleet watershed is normally open all year and is required by regulation beginning June 1 to use only set gillnets until July 15. From June 15 through July 15, subsistence fishing is normally allowed twice a week for 36-hour fishing periods. Commercial fishery targeting Chinook salmon is not allowed unless the midpoint of the escapement goal is projected to be met, as described in the Unalakleet River King Salmon Management Plan. The Unalakleet River salmon sport fishery is normally open all year, and the daily bag and possession limit is 2 fish, only one 20" or longer. There is an annual limit of 2 Chinook salmon 20" or longer.

Conservation Issues: The Unalakleet River Chinook salmon stock was designated as a stock of yield concern by the Alaska Board of Fisheries in 2004. This designation was due to the inability to maintain near average yields despite use of management measures to provide harvestable surpluses above the stock escapement needs during the previous 5-year period. Since 2002, the Chinook salmon commercial fishery has been closed, except for two 24-hour fishing periods in 2005. Since 2003, subsistence and sport fisheries targeting Unalakleet watershed Chinook salmon have been significantly restricted or closed to allow for escapement. Under the *State Policy for the Management of Sustainable Salmon Fisheries*, if the Unalakleet River Chinook salmon stock chronically fails to meet its escapement goal, Alaska Department of Fish and Game would recommend changing the stock of concern status from a yield concern to a management concern until the stock recovers.

ADG&G Comments FP09-14
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Annual commercial fishery harvests of Chinook salmon in the Unalakleet Subdistrict have dropped from a long term annual average of 5,717 fish (1980-2000) to a recent average of 32 fish (2001-2007). The annual State subsistence fishery harvests of Chinook salmon in the Unalakleet Subdistrict during the last 14 years have ranged from 6,325 fish in 1997 to 1,665 fish in 2007 with a decreasing trend in recent years.¹ The sport fish harvest from 2001-2007 has averaged 286 Chinook salmon and ranged from 97 to 544 fish annually. A trend of harvest transfer from commercial fisheries to subsistence fisheries has developed due to the severe restrictions or closure of commercial fisheries in recent years in response to smaller returns of Chinook salmon to the Unalakleet River.

Under the conservative management plan adopted by the Alaska Board of Fisheries in February 2007, the State subsistence fishery has been restricted in-river by reducing the fishery time periods to two 36-hour fishing periods per week during the open season in fresh water and two 48-hour fishing periods per week in the marine fishery. When escapement goals still are not projected to be met inseason, subsistence fishing has been further restricted or closed. When lower escapement goals are projected to be met inseason, the State subsistence fishery may be liberalized. The sport fishery has been closed by emergency order in early July to retention of Chinook salmon in 2003, 2004, 2006, 2007, and 2008 due to conservation concerns. Management actions taken in State-managed subsistence and sport fisheries to conserve Chinook salmon include federal public lands upriver. Because of migratory timing, these actions are taken prior to any fishing effort occurring in those waters.

Jurisdiction Issues: The majority, if not all, of subsistence and sport Chinook salmon harvest in the Unalakleet River watershed and nearby marine waters occurs within marine and freshwaters not subject to federal regulations. The lands and waters from the mouth of the Unalakleet River to river mile 22 are State, corporation, or other non-federal property. The area addressed in the proposal is within State waters in the lower extent of the Unalakleet Wild and Scenic River area. Detailed maps are needed, showing boundaries and areas where federal regulations are claimed to apply and justification for claiming those boundaries.

While standing on state and private lands (including state-owned submerged lands), persons must comply with State law and cannot harvest under conflicting federal regulations. If this proposal is adopted, enforcement difficulties and user confusion -- concerning where and how federal regulations that are different than State regulations apply -- will result unless detailed maps and explanations specific to the area are provided.

Recommendation: Oppose. Adoption of this proposal will not improve the health of the Unalakleet River Chinook salmon stock and will not improve opportunity for subsistence use. In years of low returns, State closures or restrictions are in place before Chinook reach the waters subject to federal jurisdictional claims. The proposed closure does not meet the requirements of the Federal Subsistence Board's Closure Policy adopted August 2007.

¹ Prior to 1994, subsistence users were not surveyed each year.